THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.21264 OF 2005

Dated 29th September 2005

Between:

N.Murahari Rao S/o.Chalamaiah

…Petitioner

And

The Principal Secretary to Government of A.P.,

Higher Education Department, Hyderabad & another.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 21264 OF 2005

O R D E R:

The petitioner was employed as Junior Assistant in the Nagarjuna University. On the basis of certain allegations against him, the Anti Corruption Bureau initiated proceedings in the Special Court for ACB cases, Vijayawada, and the same is pending as C.C.No.23 of 2004. Charge sheet is also said to have been filed.

The Executive Council of the University suspended the petitioner, through its resolution dated 22.3.2001. However, it directed reinstatement of the petitioner, through resolution, dated 22.12.2003, and the petitioner was, accordingly, reinstated into service on 6.11.2004.

W.P.No.6439 of 2004 was filed in this Court by one Mr.N.Subba Rao, challenging the reinstatement of the petitioner even while the ACB case is pending.

The writ petition was dismissed, and thereafter, Writ Appeal No.1206 of 2004 was filed. The petitioner was impleaded therein. At that stage, the Executive Council of the University, passed another resolution, dated 30.10.2004, directing that the petitioner be placed under suspension, till the disposal of ACB case.

The claim of the petitioner is that though more than four years have elapsed, since the initiation of criminal proceedings against him, the same has not attained the finality, he is being continued under suspension, without any basis.

Heard the learned counsel for the petitioner and learned Standing Counsel for the University.

It is a matter of record that a case, instituted by the ACB, is pending against him. The charges relate to corruption. The petitioner was placed under suspension, soon after the ACB instituted the proceedings. However, he was reinstated even before the Special Court disposed of the case. The matter was brought to the notice of this Court, by filing a writ petition, and thereafter, writ appeal. Having sensed the gravity of the matter, the University placed the petitioner once again under suspension, to be in force, till the disposal of the ACB case. Having regard to the nature of allegations, against the petitioner, no exception can be taken to such a step. Further, as long as the ACB case is pending, the University cannot be expected to reinstate the petitioner. The concerned Court can be required to expedite the disposal of the ACB case.

Hence, the writ petition is disposed of, directing the Special Court for ACB cases, Vijayawada, to expedite the disposal of C.C.No.23 of 2004. There shall be no order as to costs.

29th September 2005

PAN